

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GABRIEL GIGENA,

Plaintiff,

v.

STEPHEN B. RYE, *et al.*,

Defendants.

Case No. 3:23-cv-00552-MMD-CLB

ORDER

*Pro se* Plaintiff Gabriel Gigena brings a civil rights complaint (ECF No. 9 (“Amended Complaint”)) under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 10), recommending that the Court dismiss the Amended Complaint with prejudice. Gigena had until January 18, 2024 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R in full.

Because there is no objection, the Court need not conduct *de novo* review and is satisfied Judge Baldwin did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). Here, Judge Baldwin recommends dismissing the Amended Complaint because it does not provide sufficient information for the Court to identify the factual or legal bases for Gigena’s claims. (*Id.* at 3-4.) Judge Baldwin recommends dismissing with prejudice because the Court has already given Gigena an opportunity to amend his complaint, and he has failed to adequately amend to state a claim. (*Id.* at 4.) The Court agrees with Judge Baldwin. Having reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

1 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF  
2 No. 10) is accepted and adopted in full.

3 It is further ordered that Gigena's Amended Complaint (ECF No. 9) is dismissed  
4 with prejudice.

5 The Clerk of Court is directed to enter judgment accordingly and close this case.

6 DATED THIS 24<sup>th</sup> Day of January 2024.

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10 MIRANDA M. DU  
11 CHIEF UNITED STATES DISTRICT JUDGE  
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